

EXHIBIT

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK



SEP 15 2004

UNITED STATES DISTRICT COURT CLERK
WESTERN DISTRICT OF NEW YORK

IN RE FIRST NATIONAL EQUITY
INVESTIGATION
(SEALED MATTER)

04 - MISC. CR. 60227

USA NO. 2003R00424

UNDER SEAL

ORDER SUSPENDING THE STATUTE OF LIMITATIONS
TO PERMIT THE UNITED STATES TO OBTAIN FOREIGN EVIDENCE

The Court has before it the verified Motion of the United States Attorney for the Western District of New York requesting an ex parte order, pursuant to Title 18, United States Code, Section 3292, suspending the statute of limitations in order to permit the United States to obtain foreign evidence from Hungary. The motion is supported by the affidavit of FBI Special Agent Jeffrey Kassouf with attachments documenting the wire transfer of funds between financial institutions in the United States and in Hungary and the grand jury testimony of a victim of an alleged fraudulent scheme.

After examining the Motion and its attachments, the Court finds by a preponderance of the evidence that:

- (1) Investors were persuaded to invest in a fraudulent scheme that alleged the trading of bank notes among financial institutions allowing an investment return substantially above market rates.

(2) Investor funds received through the fraudulent scheme were transferred to and through financial institutions located in Hungary.

(3) Information concerning the financial transfers of investor funds procured by fraud from residents of the United States to Hungarian financial institutions represents evidence of potential federal criminal offenses which reasonably appears to be located in Hungary.

(4) On August 26, 2004, the United States made an official request through its Mutual Legal Assistance Treaty with Hungary, for Hungarian officials to obtain evidence related to the ownership, control and use of the Hungarian bank accounts and deposited investor funds and forward any evidence obtained to the United States Attorney for the Western District of New York.

(5) The foreign evidence being sought is material to the investigation in determining the identity of the individuals associated with the criminal activity.

IT IS THEREFORE ORDERED that the statute of limitations be suspended for a period of time to commence from the filing of the official request of the United States until the foreign evidence is received from Hungarian officials or Hungarian officials notify the United States that no foreign evidence exists, or for a period of three years, whichever is first to occur.

IT IS FURTHER ORDERED that in order to protect the confidentiality of the grand jury proceedings, that the application of the United States Attorney and this Order shall be filed under

seal until further order of the Court, except that copies of the Application and Order may be retained by the United States Attorney's Office.

DATED: September 15, 2004
Rochester, New York

Michael A. Telesca
HONORABLE MICHAEL A. TELESCA
UNITED STATES DISTRICT JUDGE